EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 1:20-cv-20157-WILLIAMS-TORRES

MARLENE CUERTO IGLESIAS and
MIRIAM IGLESIAS ALVAREZ, both
individuals,

Plaintiffs,

v.

PERNOD RICARD, Public Société
Anonyme,

Defendant.
_____/

DECLARATION OF ANTOINE BROCAS IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS FIRST AMENDED COMPLAINT

I, Antoine Brocas, give this declaration under penalty of perjury pursuant to 28 U.S.C. § 1746, and declare as follows:

1. I am the Group Corporate Affairs Director and Secretary of the Board at Pernod Ricard, S.A. ("PRSA"). I have been with PRSA in this position since September 2018. I am responsible, in particular, for the organization of the board of directors of Pernod Ricard, S.A. and the corporate governance of the group. I submit this declaration in support of PRSA's motion to dismiss the First Amended Complaint ("Amended Complaint").

2. I make this declaration based on my personal knowledge as well as based on a reasonable inquiry and a diligent search of PRSA's records. In particular, at my request and direction, various individuals within PRSA were asked to search PRSA's records for information relating to any and all contacts, of any kind or nature, which PRSA may presently have or may previously have had at all times relevant to this litigation, with the state of Florida.

3. PRSA was created in 1975 through the merger of two French anise-based spirits companies: Pernod, which was founded by Henri-Louis Pernod in 1805, and Ricard, founded by Paul Ricard in 1932. PRSA's business is the production and sale of wine and spirits.

4. PRSA is registered as a *société anonyme* in the French Commercial Register (*Registre du commerce et des sociétés*) for Paris under no. 582041943, and its stock is publicly traded on the Euronext Paris stock exchange. PRSA is organized under the laws of, and has its principal place of business in, France. PRSA's corporate headquarters are located at 12 place de Etats-Unis, 75783, Paris, France, Cedex 16. The executives of PRSA and the company's corporate representative authorized to accept service of process are located at this address.

5. PRSA is not registered to do business in Florida with the Florida Department of State, Division of Corporations, and it does not have a registered agent for service of process in Florida.

6. PRSA does not have a physical presence in Florida. Specifically, PRSA does not currently and has not to the best of my knowledge at all times relevant to the litigation:

a. Had offices, a mailing address, a telephone number, facilities, employees, officers, or directors in Florida.

b. Had any investments or bank accounts in Florida.

c. Owned or leased any real property in Florida.

d. Owned or leased any personal property in Florida.

e. Entered into any contracts in Florida.

f. Been incorporated in or registered to do business in Florida.

g. Held any license or registration in Florida.

h. Purchased insurance in Florida.

i. Purchased equipment, supplies, or raw goods in Florida.

j. Filed any taxes or administrative reports in Florida.

k. Consented to the jurisdiction of any court in Florida.

7. On February 25, 2020, a *huissier de justice* came to PRSA's offices in Paris. He delivered a non-delivery notice by leaving it with the attendant at the welcome desk. The employee who was handed the notice is not a legal representative of PRSA, nor is that individual authorized to accept service of process for PRSA.

8. The Amended Complaint in this action avers that "[PRSA] owns rights in the brand Havana Club, which was partially derived from Conac Cueto which is confiscated property owned by Plaintiff's family." Amended Complaint ¶ 6. The Amended Complaint alleges further that the "brand Conac Cueto Extra-Viejo and all other assets were forcefully transferred to the Cuban Government Rum Company and eventually rebranded as Havana Club." *Id.* ¶ 26. The Conac Cueto assets "included intellectual property, oak barrels, bottles, labels, corks, tasters, meters" and other unspecified assets claimed to have been used by Conac Cueto the company "in the production and sale of cognac." *Id.* ¶ 25. Prior to this suit, PRSA had never heard of Conac Cueto (or Cognac Cueto) or its products.

9. PRSA has never produced any cognac products in Cuba. PRSA produces cognac, which is a spirit derived from French grapes, exclusively in France using French formulations.

10. Cognac is a "*appellation d'origine contrôlée*", *i.e.*, an internationally recognized "protected designation of origin", which is a French legal certification granted to certain French geographical indications which stipulates that Cognac can only be produced in certain areas of France, under certain strict specifications. A product may not legally be called a "Cognac" if it is not produced in a special designated area of France.

11. PRSA does not now and has never produced any products under the "Conac Cueto" (or Cognac Cueto) brand or label.

12. PRSA does not export to or distribute in the U.S. any product of Cuban manufacture, and indeed is precluded from doing so by the embargo on Cuban imports mandated by U.S. laws and regulations.

13. PRSA has approximately 86 operational subsidiaries worldwide. Pernod Ricard's hundreds of global brands are distributed across more than 160 markets. The operations of these market companies are decentralized and autonomous.

14. Pernod Ricard USA, LLC ("Pernod Ricard USA") is a foreign limited liability company organized under the laws of Delaware and maintains its principal place of business in New York, NY. Pernod Ricard USA is a wholly-owned subsidiary of PRSA. Pernod Ricard USA is responsible for the sales and distribution of certain PRSA wine and spirits within the United States.

15. Pernod Ricard USA is registered with the Florida Secretary of State to do business in Florida and maintains an office in Florida. Pernod Ricard USA has a total of 926 employees throughout the U.S., with approximately 50 employees in Florida.

16. Pernod Ricard USA does not trade with the Cuban government and it does not sell or distribute Havana Club rum.

17. PRSA indirectly owns two subsidiaries in the United States whose principal place of business is in Florida:

a. Pernod Ricard Americas Travel Retail LLC ("PR Travel Retail") is a foreign limited liability company organized under the laws of Delaware, and an indirect subsidiary of PRSA. The immediate parent of PR Travel Retail is Pernod Ricard Marketing USA LLC, which

is, in turn, owned by Austin, Nichols & Co, Inc. PR Travel Retail maintains its principal place of business in Ft. Lauderdale, Florida. PR Travel Retail exclusively manages duty free sales of sprits and wines for sale to duty free outlets. PR Travel Retail does not sell direct to consumers in Florida. All merchandise imported or exported by PR Travel Retail is housed in a U.S. Customs bonded warehouse and does not enter any non-duty free products into the stream of commerce in the state of Florida. PR Travel Retail does not trade with the Cuban government. At the end of fiscal year ending June 30, 2019, PRSA employed approximately 2,870 employees in France, whereas PR Travel Retail employed only 13 individuals in Florida. The employees of PR Travel Retail are not employed by PRSA.

b. Our/Miami Vodka LLC ("Our/Miami Vodka") is a foreign limited liability company organized under the laws of Delaware, and an indirect subsidiary of PRSA. Founded in 2014, Our/Miami Vodka was intended to be a small-batch manufacturer of vodka using locally-sourced ingredients. Our/Miami Vodka owns a small distillery in Miami, Florida, but the distillery has not been used. Our/Miami Vodka is registered in Florida with a principal place of business in Miami, Florida, but the company has not conducted any sales or operations since its inception in 2014 and it has never had any employees. Our/Miami Vodka is a subsidiary of Our/Vodka USA LLC. Our/Miami Vodka is member-managed and does not have any officers or directors.

18. Each of the subsidiaries (Pernod Ricard USA, PR Travel Retail, and Our/Miami Vodka) are separate and distinct legal entities, and each is operated separately from PRSA.

19. Pernod Ricard USA, PR Travel Retail, and Our/Miami Vodka are not "agents" for PRSA through which PRSA merely distributes products in Florida. In particular, PRSA has not acknowledged that Pernod Ricard USA will act on PRSA's behalf for these purposes, Pernod

Ricard USA has not accepted any such undertaking, and PRSA does not have control over Pernod Ricard USA's distribution activities in Florida. Pernod Ricard USA has separate corporate interests from PRSA and does not function solely to achieve PRSA's purposes. In short, Pernod Ricard USA's distribution activities in Florida are not the actions of PRSA.

20. PRSA, Pernod Ricard USA, PR Travel Retail, and Our/Vodka USA LLC have separate and distinct boards of directors. The separate boards meet at different times and in different locations. Each entity maintains its own board minutes.

21. Further, PRSA has separate and distinct officers from Pernod Ricard USA, PR Travel Retail, and Our/Miami Vodka USA LLC.

22. Pernod Ricard USA and PR Travel Retail are operationally and financially independent from PRSA. Pernod Ricard USA and PR Travel Retail's day-to-day operations are run exclusively by their respective members and officers. Pernod Ricard USA and PR Travel Retail each determines pricing, distribution, and marketing practices and strategies independent of PRSA. None of the alleged subsidiaries – including Pernod Ricard USA, PR Travel Retail, or Our/Miami Vodka – are mere instrumentalities of PRSA, and none have engaged in (or, as I understand the Amended Complaint, none are accused of engaging in) improper conduct that may be imputed to PRSA, in particular, none have engaged in (or are accused of engaging in) "trafficking" in goods produced in Cuba.

23. In terms of financial reporting, Pernod Ricard USA, PR Travel Retail, and Our/Miami Vodka, like most wholly-owned subsidiaries, report financial results to the ultimate parent (PRSA) for issuance of consolidated financial reporting. Nonetheless, Pernod Ricard USA, PR Travel Retail, and Our/Miami Vodka:

a. separately maintain their own books and records for both financial and tax reporting purposes;

b. maintain bank accounts that are entirely independent of PRSA's banking accounts;

c. are financially independent from PRSA and do not rely on PRSA to fund their operations.

24. While PRSA advertises in international publications which may reach audiences around the world (including Florida), PRSA does not engage in advertising in, or direct marketing activities toward, Florida regarding any spirits produced in Cuba.

25. PRSA does not make any sales of wine or spirits directly to anyone in Florida. Products are distributed in the United States and Florida through distribution agreements between U.S. subsidiaries and independently-owned distributors. PRSA is not a party to any distribution agreements in the United States.

26. PRSA maintains a website that, while accessible to residents of any state and any country, is not specifically directed at Florida. PRSA's website is strictly informational and provides the company's history, an overview of brands and products, information regarding company culture and governance, and links to financial reports. *See* https://www.pernod-ricard.com/en. Visitors to the PRSA website cannot purchase wine and spirits through the PRSA website or directly from PRSA.

I declare, under penalty of perjury under the laws of the United States of America, in accordance with 28 U.S.C. § 1746 thereof, that the foregoing is true and correct.

Executed this 20th day of April, 2020 in Paris, France.

Pernod Ricard

Signature numérique de Antoine Brocas
Date : 2020.04.20 18:16:13 +02'00'

By: Antoine Brocas